IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

And
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT APPEAL NO : 1307 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 07/07/2005 in WPMP No.16757 of 2005 in WP No: 13200 OF 2005 on the file of the High Court.)

Between:

1 M/s. Sri Rohan Wines, Velgatoor rep by PRoprietor Sri. J.Srikanth, S/o Narsimha Rao
R/o Velgatoor, Karimnagar District
2 M/s. Hamsika Wines, Rajarampalli, rep by Properietor G.Ranjitha Rao S/o Ram Mohan Rao
R/o Rajarampalli, Velgatoor Mandal, Karimnagar District

..... APPELLANTS

AND

1 The District Collector and Magistrate, Karimnagar
2 The Prohibition & Excise Superintendent, Karimangar District
3 The Commissioner of Prohibition & Excise, A.P., Hyderabad

.....RESPONDENTS

Counsel for the Appellants: MR.CH.JAGANNADHA RAO

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following:

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ORDER: (Per Sri J. Chelameshwar, J)

Aggrieved by the order, dated 07.07.2005, passed in WPMP No.16757 of 2005 in W.P.No.13200 of 2005, by which the learned single Judge declined to extend the interim order granted earlier on 23.06.2005, the writ petitioner preferred this appeal.

The case of the petitioners is that on 26.05.2005, the 1st respondent issued a notice purported to be one under Rule 5 of the A.P. Excise (Lease of Right of Selling by Shop and Conditions of Licence) Rules 2005. In the said notice it was indicated that the respondents proposed to issue licences to 307 shops in various Mandals of Karimnagar District, and therefore, invited tenders. The petitioners became the successful bidders with reference to two shops, which are indicated at Sl.Nos.287, and 288 in the above mentioned notice. It appears that some of the shops indicated in the said notice were left out, and consequently, another notice, dated 04.06.2005, was issued by the 1st respondent indicating thirteen shops for which tenders were invited. Even on the said occasion it appears there is no bidder for four shops out of thirteen as mentioned above. Subsequently, on 17.06.2005, the 1st respondent issued one more notice indicating four shops and invited tenders. The 4th shop indicated in the said notice is to be located in the same Mandal in which the petitioners/appellants are carrying on their business of running liquor in the two shops mentioned earlier. Aggrieved by the same, the petitioners filed the above mentioned writ petition.

The learned single judge of this Court initially granted an interim order of suspension of the impugned proceedings for a period of two weeks. Subsequently, when the matter appears again in the list, the learned single judge of this Court

recorded that the petitioners has no right to challenge the grant of licence by the competent authority, and therefore, declined to extend the interim order granted earlier. Hence, this present appeal.

Nothing is brought to our notice to establish that the order under appeal requires interference of this Court by exercising jurisdiction under Section 15 of Letters Patent Act. We refrain from going into any details of the case in view of the fact that the writ petition is pending and any observation made on merits might have adverse effect to one of the parties to the writ petition.

We do not see any merit in the writ appeal and accordingly, the same is dismissed at the admission stage

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J.CHELAMESWAR, J

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M.VENKATESWARA REDDY, J

Date: 14.07.2005

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To

1 The District Collector and Magistrate, Karimnagar
2 The Prohibition & Excise Superintendent, Karimangar District
3 The Commissioner of Prohibition & Excise, A.P., Hyderabad

4 2 CCs to the GP for Prohibition & Excise, High Court buildings, Hyderabad (OUT)

5 2 CD copies.